IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO.20150 of 2006

DATE OF DECISION: 19.12.2006

Commissioner of Income Tax, Aaykar Bhawan, Patiala (Punjab)
....Petitioner.

Versus

Krishan Kumar and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Ms. Daya Chaudhary, Asstt. Solicitor General of India, for the petitioner.

J.S. Khehar, J. (oral)

Through the instant writ petition, the petitioner seeks to challenge the order passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as the `Administrative Tribunal') dated 26.5.2006, vide which the Administrative Tribunal allowed Original Application No.568-PB of 2005 filed by respondent No.1 herein. It would be pertinent to mention that the claim of respondent No.1 before the Administrative Tribunal was for the protection of his wages drawn by him, while enjoying temporary status,i.e. immediately before he was regularised. It is also necessary to notice that on regularisation of respondent No.1, he commenced to carry home wages, which were less than the wages drawn by him immediately preceding thereto.

While accepting the claim of respondent No.1, the Administrative Tribunal relied on a decision rendered by the Principal Bench of the Administrative Tribunal in Nathu Singh and others V Union of India and others.

On being asked, learned counsel for the petitioner very fairly invited our attention to the fact that the order passed by the Principal Bench in Nathu Singh's case (supra) was upheld by the Delhi High Court in W.P.(C)No.2317 of 2002, decided on 17.4.2006, wherein the Court also noticed the fact, that the Apex Court had dismissed a Petition for Special Leave to Appeal, preferred on the same issue.

For the reasons recorded hereinabove, we find no merit in this petition and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

December 19, 2006.
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